

ESTTA Tracking number: **ESTTA130419**

Filing date: **03/16/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Roast of the Town, Inc.		
Entity	Corporation	Citizenship	Arizona
Address	5017 E. Washington Street Phoenix, AZ 85034 UNITED STATES		

Attorney information	Heather L. Buchta Quarles & Brady LLP 2 North Central Ave One Renaissance Square Phoenix, AZ 85004 UNITED STATES tm-dept@quarles.com Phone:602-229-5228
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Registration Subject to Cancellation

Registration No	2760766	Registration date	09/09/2003
Registrant	Espressione International, Ltd. 1 Regency Parade Finchley Road London NW3 SEQ, UNITED KINGDOM		
Goods/Services Subject to Cancellation	Class 030. First Use: 2001/03/15 , First Use In Commerce: 2001/03/15 Goods/Services: Coffee		

Attachments	Espressione Cancellation.pdf (3 pages)(96318 bytes)
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Signature	/Heather L. Buchta/
Name	Heather L. Buchta
Date	03/16/2007

I hereby certify that this Petition for Cancellation is being electronically filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, on the date set forth below.

Date of Signature and Deposit: March 16, 2007


Heather L Buchta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,760,766: ESPRESSIONE
Issued on September 9, 2003

Roast of the Town, Inc.,

Petitioner,

v.

Cancellation No. _____

Espressione International, Ltd.,

Respondent.

PETITION FOR CANCELLATION

Roast of the Town, Inc., an Arizona corporation having its principal address at 5017 E. Washington Street, Phoenix, Arizona 85034 believes that it is or will be damaged by the continued registration of the mark shown in Registration No. 2,760,766, and hereby petitions to cancel same.

As grounds for cancellation, Petitioner alleges that:

1. Registration No. 2,760,766 is a trademark registration for the mark ESPRESSIONE in International Class 30 for use in connection with coffee. The claimed dates of first use for the mark anywhere and in commerce are March 15, 2001.

2. According to United States Patent and Trademark Office records, the name and address of the owner of Registration No. 2,760,766 is Espressione International, Ltd, a U.K. partnership, 1 Regency Parade, Finchley Road, London, NW3

SEQ, United Kingdom. According to United States Patent and Trademark Office Records, the domestic representative for the Respondent's mark is Wesley E. Smith, 3888 Bluffview Point, Marietta, Georgia 30062.

3. Petitioner is, among other things, engaged in interstate commerce in the business of selling fresh roasted coffees, and custom blended coffees and teas.

4. Petitioner is the owner of the trademark ESPRESSIONS for use in connection with fresh roasted coffees, and custom blended coffees and teas, which mark has been used continuously in commerce in connection with such products since long prior to Respondent's filing date and, upon information and belief, since long prior to any use by Respondent of its registered mark.

5. Petitioner has a pending application for the mark ESPRESSIONS for use in connection with fresh roasted coffees, and custom blended coffees and teas, currently pending in International Class 30 as Serial No. 78-851222.

6. Respondent's registered mark, when applied to the goods of Respondent, so resembles Petitioner's ESPRESSIONS mark (which Petitioner has used previously in the United States for fresh roasted coffees and custom blended coffees and teas, and which Petitioner has not abandoned) as to be likely to cause confusion, or to cause mistake, or to deceive. Specifically and without limitation, relevant consumers seeking Respondent's mark as applied to coffee are likely to believe the same identifies a product produced, sold, approved, or sponsored by Petitioner or that there is an affiliation between Respondent and Petitioner.

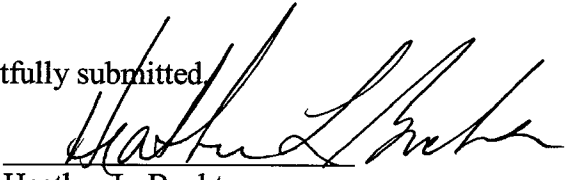
7. By reason of the foregoing, registration of the Respondent's mark for coffee will result in irreparable injury to Petitioner and to its rights in the ESPRESSIONS mark.

WHEREFORE, Petitioner prays that this petition for cancellation be sustained and that the registration of Respondent's mark for ESPRESSIONE be canceled.

Date: March 16, 2007

Respectfully submitted,

By:



Heather L. Buchta

Quarles & Brady LLP

Two North Central Avenue

Phoenix, AZ 85003

Telephone: (602) 229-5200

Facsimile: (602) 229-5690

Email: tm-dept@quarles.com

Attorneys for Petitioner